

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document # 6

Catherine Martino

USCA NO. _____

-v-

SDNY NO. 07cv5527

JUDGE: KMW

DATE: 7/23/2007

DiFiore et al

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME) Nezam D.
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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

Only Circled Documents Included

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A
for the Second Circuit on the 23rd Day of July, 2007.

**United States District Court for
the Southern District of New York**

Catherine Martino

-V-

DiFiore et al

Date: 7/23 / 2007

U.S.C.A. # _____

U.S.D.C. # 07cv5527

D.C. JUDGE KMW

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 5, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 23rd Day of July In this year of our Lord, Two Thousand and Seven, and the Independence of the United States this 232nd year.

J. Michael McMahon, Clerk

By


Deputy Clerk

APPEAL, CLOSED

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-05527-KMW
Internal Use Only

Martino v. DiFiore et al
Assigned to: Judge Kimba M. Wood
Cause: 42:1983 Civil Rights Act

Date Filed: 06/11/2007
Date Terminated: 06/11/2007
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Date Filed	#	Docket Text
06/11/2007	<u>1</u>	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Catherine Martino.(mbe) (Entered: 06/29/2007)
06/11/2007	<u>2</u>	COMPLAINT against Janet DiFiore, Jane Doe, John Doe, Brian Donohue, No. 6. Document filed by Catherine Martino.(mbe) (Entered: 06/29/2007)
06/11/2007		Magistrate Judge Theodore H. Katz is so designated. (mbe) (Entered: 06/29/2007)
06/11/2007	<u>3</u>	ORDER OF DISMISSAL Plaintiff's request to proceed in forma pauperis is granted. For the following reasons, however, this action is dismissed. Therefore, to the extent plaintiff raises the abovementioned claims for the monetary damages against prosecutors, such claims are dismissed as plaintiff has failed to allege facts demonstrating that any of these defendants' actions were outside the judicial phase of the criminal prosecution of plaintiff. 28 U.S.C. 1915 (e)(2)(B)(iii). Accordingly, plaintiff's action is dismissed. 28 U.S.C. 1915(e)(2). The Court certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 6/11/2007) (mbe) (Entered: 06/29/2007)
06/11/2007	<u>4</u>	JUDGMENT. Ordered, Adjudged and Decreed: That the complaint be and is hereby dismissed. 28 U.S.C. 1915(e)(2). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Signed by Judge Kimba M. Wood on 6/11/2007) (mbe) (Entered: 06/29/2007)
07/03/2007	<u>5</u>	NOTICE OF APPEAL from [4] Judgment - Sua Sponte (Complaint),. Document filed by Catherine Martino. (nd) (Entered: 07/19/2007)
07/03/2007		Appeal Remark as to [5] Notice of Appeal filed by Catherine Martino. IFP REVOKED ON 6/11/2007. FILING FEE of \$455.00 DUE. (nd) (Entered: 07/19/2007)
07/19/2007		Transmission of Notice of Appeal to the District Judge re: [5] Notice of Appeal. (nd) (Entered: 07/19/2007)
07/19/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: [5] Notice of Appeal. (nd) (Entered: 07/19/2007)